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Testimony of Attorney Vicki Hutchinson
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Raised Bill No. 444 – *An Act Concerning Penalties for Family Violence Crime that a
Child Witnesses and Establishing a Working Group Concerning Information
and Communications Related to Victims of Family Violence*
Judiciary Public Hearing – March 14, 2016

The Connecticut Criminal Defense Lawyers Associations is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA opposes Section 1 of Raised Bill 444. Raised Bill 444 establishes a new sentence enhancement for any person convicted of a family violence crime that was committed within the vision or hearing of a minor child who, at the time of the offense was a family or household member of the convicted person or of the victim of the crime. Section 1 of Raised Bill 444 mandates that a sentencing court increase the sentence of a convicted person by at least 25% of the minimum term of imprisonment authorized for the crime.

Section 1 of Raised Bill 444 is confusing in several aspects. The bill mandates increased penalties if a family violence crime is committed within vision or hearing of a minor child who is the child of the perpetrator or of the victim of the crime, but does not address situations in which other minor children are present but perhaps none is the child of the perpetrator or the victim. The bill does not specify whether or not the minor child need have seen or heard the activity associated with the crime or just been in an area in which he or she could have seen or heard the activity. The bill does not address the age of minor children who might have seen or heard some of the activity but was too young to understand or actually be aware of anything going on, such as an infant who might be a few weeks old.

Section 1 of Raised Bill 444 mandates imposition of a term of imprisonment as well as an enhancement of that term of imprisonment. Some "family violence crimes" do not presently have a mandatory minimum prison term and this bill might be read as compelling Judges to sentence defendants to a prison term in cases which would not otherwise be deemed prison cases.

Connecticut already has a statute with felony penalties for individuals who engage in conduct that places a child in a situation likely to injure the child or impair the health or morals of the child. Connecticut General Statutes Section 53-21, Risk of Injury to a Minor, carries a substantial jail penalty and protects all children, not

just the children of the perpetrator or the victim. It is not necessary to add a sentence enhancer to other crimes to achieve the result the bill seeks.

For these reasons CCDLA respectfully opposes Section 1 of Raised Bill 444 and requests the Committee to take no action on this section of the bill.